

FIFTH DAY

(Tuesday, January 21, 1941)

The Senate met at 11:00 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Cotten.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Spears
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	

Absent

Beck

Absent—Excused

York

A quorum was announced present.

Prayer was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with, and the Journal was approved.

Senate Bills on First Reading

The following bills were introduced, read severally first time and referred by the President Pro Tempore to the committees indicated:

By Senators Spears and Aikin:

S. B. No. 36, A bill to be entitled "An Act to authorize and empower the Governor of the State of Texas to lease and demise to the United States the tract of land, known as Camp Hulén at or near Palacios, Matagorda County, Texas, now owned and held in trust by the State of Texas for the use and benefit of the 36th Division, Texas National Guard, together with such buildings, systems, fixtures, and appurtenances thereon, as he may deem advisable."

To Committee on Military Affairs.

By Senator Brownlee:

S. B. No. 37, A bill to be entitled "An Act to create a Texas Defense Guard in the State of Texas during such time as any part of the National Guard is in active Federal Service, and to provide for the organization, maintenance, training and discipline thereof; and declaring an emergency."

To Committee on Military Affairs.

By Senator Fain:

S. B. No. 38, A bill to be entitled "An Act to provide further safeguards for public educational funds; and declaring an emergency."

To Committee on Education.

By Senator Moore:

S. B. No. 39, A bill to be entitled "An Act amending Section 5 of Senate Bill No. 175 passed at the Regular Session of the Forty-sixth Legislature and known as Chapter 15, page 285, of the General Laws passed at said Regular Session of the Forty-sixth Legislature so that Section 5 of said Senate Bill No. 175 shall hereafter read as follows: 'No bonds authorized to be issued or executed under this Act shall be issued or executed after the expiration of four years after the effective date of this Act'; and declaring an emergency."

To Committee on Internal Improvements.

Message from the House

The Assistant Reading Clerk of the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
January 21, 1941.

Hon Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 14, Providing for joint session of House and Senate at 11:30 a. m., Tuesday, January 21, 1941, for purpose of inaugurating Hon. W. Lee O'Daniel as Governor of Texas, and Honorable Coke Stevenson as Lieutenant Governor of Texas, for the ensuing period of two years, and further providing for the adjourn-

ment of the Senate until 10:00 o'clock a. m. Wednesday, January 22, 1941.

Respectfully submitted,
E. R. LINDLEY,
Chief Clerk, House of Representatives.

House Concurrent Resolution 14

The President laid before the Senate the following resolution received from the House today:

H. C. R. 14, Providing for the holding of the joint session to inaugurate the Governor-elect and Lieutenant Governor-elect at 11:30 o'clock a. m. today, and for the adjournment of the Senate at the conclusion of the joint session to be held today, until 10:00 o'clock a. m. tomorrow.

The resolution was read.

On motion of Senator Shivers and by unanimous consent, the resolution was considered immediately and was adopted.

Signing of Resolution

The President Pro Tempore signed H. C. R. 14 in the presence of the Senate after its caption had been read.

Senate Resolution 13

Senator Hill offered the following resolution:

Whereas, The Honorable Ralph D. Risser of Kilgore, Gregg County, Texas, a distinguished citizen of that county and of this State is a guest today in the City of Austin and is now in the Capitol building; therefore, be it

Resolved by the Senate, That Mr. Risser be accorded the privileges of the floor throughout the remainder of the day.

The resolution was read and was adopted.

Accordingly, the President Pro Tempore appointed Senators Hill, Fain and Chadick to escort Mr. Risser to the President's desk.

The President Pro Tempore presented Senator Hill, who in turn, presented Mr. Risser to the Senate.

Mr. Risser addressed the Senate briefly.

Senate Resolution 14

Senator Lemens offered the following resolution:

Whereas, The Honorable Henry Zweifel, formerly United States Dis-

trict Attorney, now a resident of Fort Worth, Texas, a distinguished citizen of that city and of this State, is a guest today in the City of Austin and is now in the Capitol building; now therefore, be it

Resolved by the Senate, That Mr. Zweifel be accorded the privileges of the floor throughout the remainder of the day.

The resolution was read and was adopted unanimously.

Accordingly, the President Pro Tempore appointed Senators Martin and Lemens to escort Mr. Zweifel to the President's desk.

The President presented Senator Martin, who in turn presented Mr. Zweifel to the Senate.

Mr. Zweifel addressed the Senate briefly.

Joint Session

(To Inaugurate Governor and Lieutenant Governor)

Senator Brownlee requested the members of the Inauguration Committee on the part of the Senate to assemble with the Governor-elect and Lieutenant Governor-elect and their inaugural party, in the Governor's reception room in the Capitol.

Senator Aikin moved that the Senate proceed to the space reserved for it, adjacent to the platform erected in front of the Capitol, for the inauguration of the Governor-elect and Lieutenant Governor-elect.

The motion prevailed.

Accordingly, at 11:20 o'clock a. m., the Honorable Senators, escorted by the Secretary of the Senate, Bob Barker, and the Sergeant-at-Arms of the Senate, A. W. Holt, proceeded in a body to the seats reserved for them and members of their families, in front of the Capitol.

On the opposite side of the platform, the members of the House occupied seats reserved for them and their families.

Hon. Clay Cotten, President Pro Tempore of the Senate, and Hon. Homer P. Leonard, Speaker of the House, occupied seats on the center platform.

Hon. W. Lee O'Daniel, Governor-elect and Mrs. O'Daniel, Hon. Coke R. Stevenson, Lieutenant Governor-elect, and Mrs. Stevenson, and other members of the families of the Governor- and Lieutenant-Governor elect;

Chief Justice James P. Alexander of the Supreme Court of Texas; Presiding Judge F. L. Hawkins of the Court of Criminal Appeals; and other officials and members of the inaugural party were escorted to seats on the platform by Senators Brownlee, Isbell, Martin, Formby and Fain, on the part of the Senate, and by Representatives Halsey, Avant, Carrington and Stanford, on the part of the House.

At 12:00 o'clock, noon, Speaker Leonard called the House to order and announced a quorum of the House present.

President Pro Tempore Cotten called the Senate to order and announced a quorum of the Senate present.

Speaker Leonard then announced that the two Houses were in joint session to inaugurate the Governor-elect and Lieutenant Governor-elect for the ensuing term of two years.

Reverend M. E. Sadler, Minister of the First Christian Church of Austin, on invitation of the Speaker, delivered the invocation as follows:

Let us pray: Almighty God, who hast given us this good land for our heritage, we humbly pray that we may always prove ourselves a people mindful of Thy favor, and glad to do Thy will. Bless our land with honorable industry, sound learning and pure religion. As we have mastered nature that we might gain wealth, help us now to master the social relations of mankind that we may gain justice and human brotherhood.

Guide and bless, O Lord, the chosen leaders of this great commonwealth. Imbue them with the spirit of wisdom, goodness and truth; and so rule their hearts and bless their endeavors that law and order, justice and peace may everywhere prevail; to the glory of Thy name. Amen.

Speaker Leonard announced that the constitutional oath would be administered to Hon. Coke R. Stevenson, Lieutenant Governor-elect, by Presiding Judge F. L. Hawkins of the Court of Criminal Appeals.

Hon. Coke R. Stevenson, Lieutenant Governor-elect, then took the constitutional oath of office and also affixed thereto his signature, the oath being administered, and the signature attested with the great seal of the Commonwealth of Texas, by Presiding Judge F. L. Hawkins of the Court of Criminal Appeals.

Speaker Leonard introduced Lieutenant Governor Stevenson to the joint session and the assemblage, and spoke as follows:

Members of the Joint Session, Distinguished Guests, Citizens of Texas:

Twice, while I have been a member of the House of Representatives, it was my distinct pleasure to cast my vote for one of the ablest men who ever graced the rostrum of any deliberative body. Following his second election as Speaker I was honored by being permitted to present him to the House. In this, his second election to this high office, I bring him to you now as your Lieutenant Governor.

In doing so, I present to you a man who is without sham and pretense; a man who holds close to the fundamentals, as the founders of our government conceived and expounded those fundamentals; a man who is not caught by the vagaries of those exponents of a new fashion in government which promises so much and gives so little in return for the surrender of the liberties with which our constitutions so richly endowed us.

I bring to you a man whose brilliant mind, calm demeanor, fine judicial temperament and sound philosophy of government suggest and typify the rugged hills of Kimble from which he comes.

In short, I bring to you a man who, for the good of Texas, ought one day be Governor of this great State. I present to you the Honorable Coke R. Stevenson, Lieutenant Governor of Texas.

Address by Lieutenant Governor

Lieutenant Governor Stevenson addressed the joint session and the assemblage as follows:

Fellow Citizens: I am not able to express the gratitude I feel on this occasion; but I pay to my friends my deepest respects and tender to them my warmest thanks.

For the second time I have subscribed to the oath of office as your Lieutenant Governor. It is an oath required of every public servant in Texas from constable to governor. By its terms, we, the servants, promise you, the people, to preserve, protect and defend the Constitution of this State.

This Constitution, in turn, protects all of us, people and servants, from

the political diseases which destroy the lifeblood of a nation. So long as its covenants are respected and its provisions adhered to by those who are sworn to defend it, democracy, as we have lived it, will survive.

This ceremony is repeated every two years in our State. It is in accordance with several provisions in the Constitution which wisely attempt to make the government responsible to the people. Two years is a considerable period in the lives of each of us as individuals. Departed friends and loved ones, ill-health and blasted fortunes remind many of us that much can happen in twenty-four months. It is a short period, however, in the life of a state. It is only a punctuation mark in the corridors of political time, down which have marched the aspirations of humanity for wise and honest government.

From time immemorial, as reflected in both sacred and profane history, people have sought to establish government. Those actuated by greed and ambition have wanted a despotic government—a society which would permit their own aggrandizement. Many others with less ambition but equal avarice have acquiesced in despotic government in order to share in the exploitation of the average man. A goodly number of people in all ages have looked with buoyant hope to any authority which would restrain evil and promote good according to the standards which they embraced.

Then, there have been in almost every age and generation men who wanted government for the benefit of all the people. Men who were imbued with a passion for an authority or power which would grant equal rights to all and special privileges to none. The fathers of constitutional government in Texas were men of this character.

History abounds with descriptions of the many types of government which have been established. It would be supposed that the experience of one generation would fortify the next against the pitfalls which wreck governmental authority. But the nature of man is such that only a minority profit from the experience of others. The majority always provides for its own disillusionment. It must flounder in the wreckage before it will believe in the catastrophe to which all signs unerringly point.

George Roe, a gifted San Antonio author, expressed this tendency in the individual, as follows:

"And though for honor and for truth,
we live,
And seeking knowledge, burn the
midnight oil,
Though these be ours, they are not
ours to give,
For each must earn them in the
paths of toil."

Individuals make up the majority. The majority is composed of individuals who must learn for themselves about the processes of government.

Our own distinguished J. Frank Dobie portrays certain characters as treasure seekers and incidentally gives us a graphic picture of those who will not profit by the experience of others. One of these, Captain Cooney, was a member of a legislature in a democratic state. He became enamoured with dame fortune and began a search for the improbable. The years he devoted to the effort to obtain something for nothing would have been fruitful if applied in the light of experience and would have provided him with complete security in his old age. Instead, his friends discovered his stark, unburied skeleton on the desolate barriers to nature's ramparts.

Of course it appears that in some of the seasons while he was attempting the short cut to fame and fortune he sat on the pinnacles and enjoyed the scenery as his dream-laden eyes swept over the plains of San Augustine. No responsibility was his and, incidentally, no power.

Some men today appear to seek the nebulous pot of gold which would enrich them without work. They seek the flesh pots of Egypt which would entertain them while they loiter by the wayside. They would trade the birthright of constitutional government for a personal mess of present day pottage. They ignore the experiences of the past and the prospects of the future in order to reap the profits of the present.

Some of these have made the inquiry: "Why does Coke Stevenson so frequently comment on the benefits, rights and privileges of constitutional government?"

My friends, the answer is obvious. A public servant is like the master of a ship. He needs a chart and compass

to steer his course safely. He does not require a new formula; no new polar star has been discovered. He should stay by the old reliable guides if he would reach his destination. The pastor of any church must continually refer to his Bible if his ministry be fruitful. He does not need a new Bible or a new plan of salvation. But he must be zealous in preaching the eternal truth as he understands it to be. That is his mission in life and he must not fail those who expect him to do his full duty.

Likewise, those of us who believe in the principles of constitutional government should never cease to advocate them. We are justified in stressing the fact that Kings and princes and judges and regents who have essayed to rule by unbridled decree, have never brought to the people the benefits of government which a written constitution provides.

In my humble opinion, Texas has had no greater statesman than Richard Coke. As Governor and United States Senator for more than twenty years, he made the voice of Texas equal to any other state in wise and intelligent consideration of the problems of government. From a storehouse of experience he drew these words:

"That 'history repeats itself' is a very common truism, and history teems with illustrations of the practical wisdom of the sentiment that 'eternal vigilance is the price of liberty.' The highest wisdom and the soundest philosophy, approved by the most authentic teachings of history, warn us that the liberties of a people are safe only in their own keeping, and that a power capable of being used for their overthrow should never be permitted to exist in any human hands."

Fifty years ago today, another one of the greatest governors Texas ever had, James S. Hogg, uttered these words:

"For the blessings of liberty and the heritage of civil rights we are indebted to the valor, patriotism and wisdom of our fathers. In the jealous perpetuity of these we must rely on ourselves and posterity. The self-evident and consecrated truths that all men are created equal; that they are endowed by their Creator with the inalienable right to life, liberty, and the pursuit of happiness, cannot be uttered too often nor understood too well by the agencies through which

they must be maintained. This government was instituted to secure those sacred privileges and its just powers are derived from the consent of the governed—the people, whose safety and happiness are its highest end and aim."

The government, during Hogg's administration of it, thoroughly served the people. It broke up monopolies and trusts, that thereby the individual might have his chance at life, liberty and the pursuit of happiness. It prevented the acquisition and holding of land by large corporations in order that land might be available for farms, ranches and homes for the average man. It outlawed the practice of acquiring an easy living by selling worthless bonds and watered stocks, believing that the savings of the thrifty might be protected.

All of this was strictly in accordance with the Constitution. In every age of democratic government, great leaders have always secured adoption of measures in which they were sincerely interested and which were beneficial to the people. This is because of a paradox in constitutional government by which the sovereign voters elect a public servant to become temporarily their leader. He leads, not because he is a despot or a dictator, but because he has been chosen to point the way. If he has the ability to lead, there are none who will deny him this right, although, as befits a democracy, there may be many who question his judgment. This is also true because a growing, expanding democracy can afford limited experiments in the method of administration of its organic law.

For these purposes the leader must be a statesman—one who not only looks calmly into the eyes of those who demand assistance of government, but who looks deep into the hearts of posterity and considers their interests and hopes in government. A statesman attempts to leave to posterity the heritage of good government and trusts a valiant offspring to maintain it.

The quadruple forces of human power are the heads, hearts, hands and health of the people. A Texas man coordinated these forces into 4-H Club work for the youth of the land. The resultant activity has been of untold benefit in training future citizens for responsible leadership in our democracy. When these same forces are

zealously combined by the patriots of Texas in support of our Constitution, we may rest assured that it will be transmitted to posterity as a powerful, serviceable charter of human rights in government. Its salutary provisions have protected our home, fostered our churches, nurtured our schools and preserved for us a hundred liberties which would be lost under any form of dictatorship.

Each oscillating swing of the cradle of time rocks us nearer to that hour when posterity will emerge from its swaddling clothes, put on the habiliments of manhood and demand of us an accounting. "How have you kept that which was committed to you by your fathers, in trust for us?" I hear the leader ask, and posterity will have a leader in every community. He may be your boy or mine, or the neighbor's boy. But his mind will be whetted to inquiry by the activities of this generation.

"What contribution have you made to this science, called the democratic way of life?" he propounds, in his zeal for knowledge. We hope the answers will be worthy of a great people. But the radiance of hope is too weak to change the preponderance or evidence. When any one of us has received more from government than he has contributed to it, that leader of posterity will likely denounce us for accepting the bounty of a free country, while making no sacrifice to maintain it.

In the process of education they will learn the traditions of the pioneers, your parents and mine, who freely gave and offered to give anything they had, property, life and loved ones that this empire called Texas might exist and survive.

No human power can rob us of the heritage of a glorious past. No present philosophy can relieve us of the obligation to our projected future. Our part in the plan is to so live in the present that democracy can and will survive.

But you may inquire of me, "How shall we solve the problems of the present hour and still remain within the limits of the ancient land marks?"

My answer will be: "It is easy to state the rule: in its application is where the difficulty lies." But that difficulty is the challenge to those in authority today.

We have no problems which cannot be solved by earnest effort and careful consideration on the part of the people. We have many so-called problems with which our form of government was never intended to deal. When it does it will become a dictatorship and we will lose more to government than we will gain from it. Legislative subjects within the constitutional boundaries should receive our prompt attention.

Included in these are: First. Assistance in the agricultural program. Whatever will assist a farmer to own a farm and to conserve and reclaim the soil is for the common good. The encouragement of irrigation, conservation and reclamation of farms and ranches, individually and by political subdivision, is a part of our state policy.

Second. Further protection of labor. Our Constitution says monopolies are contrary to the genius of a free government and shall never be allowed in this State. We must not allow them, under the guise of any emergency, to rise in unholy covetousness and exploit the working man.

Third. Completion of the social security program. This subject should be settled at once and for all time and in a manner fair and just to all concerned.

Fourth. Provision for the insane and other wards of the State. When the hand of misfortune is laid on one of our fellow citizens through no fault of his, we should provide every possible relief.

Fifth. Highways and transportation regulation. We have made great progress in our highway system. The safety of the public requires proper regulation of the use thereof.

Sixth. Liberal support of those schools, colleges and universities which continue to teach the fundamental concepts of our democratic system. From them will come education of the citizens of today and tomorrow. The only way to maintain the Ship of State on even keel is to have increasing numbers of citizens educated and ready for high positions, who can and will realize that they must become statesmen when they take the oath of office.

Other instances could be given, but these will illustrate the true spirit of progress within the concepts of fundamental principles. The proper observance of the relation between

principle and progress will instill in the hearts and minds of our people a true concept of the relation between the citizen and the government.

Let us then while we reconsecrate ourselves to the general welfare of the present day, also pledge allegiance anew to the principles of a wise, courageous and devoted ancestry. Principles bought and paid for by the lives and fortunes of men who would rather die in freedom than to live in slavery. If we can have a re-baptism of that spirit today, we can say to all the world, fearlessly and without reserve, democracy in Texas shall survive.

Speaker Leonard announced that the constitutional oath would next be administered to Hon. W. Lee O'Daniel, Governor-elect, by Chief Justice James P. Alexander of the Supreme Court.

Hon. W. Lee O'Daniel, Governor-elect, took the constitutional oath of office and also affixed to the oath his signature; the oath being administered, and the signature attested with the great seal of the Commonwealth of Texas, by Chief Justice James P. Alexander of the Supreme Court of Texas.

The President Pro Tempore then presented Senator Jesse E. Martin, who in turn introduced Governor W. Lee O'Daniel to the joint session and the assemblage, and spoke as follows:

Distinguished Guests, Members of the Legislature, my friends, and ladies and gentlemen:

I am keenly aware of the great privilege and honor which are mine in being permitted to introduce to this vast throng of Texas citizens assembled here, and to the numberless thousands of Texans throughout this great commonwealth who are listening in on the radio, the number one citizen of the State of Texas.

I think it might be true that a doctor perhaps knows his patient better than any other person and, next to him, a lawyer knows his client. It has been given to me to have the fine privilege of knowing this distinguished man for many years—even many years prior to his having been given the highest public honor within the gift of the people of our great State. I have known him as a neighbor, as a client, and as a friend. In all of these relationships I have come to know him as a man who has, throughout his life, always abided by

the fundamental teachings which he learned at his mother's knee. At all times he has observed a profound respect for the sanctity of the home, respect for womanhood, and a deep regard for those fundamental American institutions which contribute to the making of a free and happy people.

These fundamentals and ideals he has brought with him to his high position in life. He has remained unspoiled by the high preferment he has received at the hands of our people. This vast audience assembled here is a greater tribute to his sterling qualities than any mere words which might be spoken by me, or by any other person.

Two years ago, there were some who said his elevation to this high political office was an accident. And it might be said that it is unusual for such a crowd as is assembled here to be present at the inauguration of any Governor, but it is an even greater tribute that this vast throng has come on this occasion to see him inaugurated as Governor for a second time.

I know him as a man of vision, as a man who has devoted himself to the welfare of the ordinary man and woman—whose heart is attuned to the problems of the citizen of humble station, but who mingles with that philosophy of government the cold hard principles of good business. You know, even as I know, that when, during his campaign, he went throughout this State and appeared in your and my community, he did not seek out the man of greatest influence in order that he might have the benefit of his introduction, but that he appeared without introduction, and you found him mingling among the people of humble station.

I bring to you a man of courage who thinks straight and talks straight—a man who has a dream for the improvement of the welfare of the ordinary man, woman, boy, and girl, and who has the courage to keep on "keeping on," even in the face of what might appear to be almost insurmountable obstacles.

A few moments ago, as the airplanes passed over this building and audience, I was reminded that they represent to you and to me the spirit of freedom, and that we are not bothered by fear and trembling that they might be messengers of death

sent to us from a European dictator. During the next two years, this man about whom I speak will stand at the helm of the affairs of government in this great Commonwealth. In his hands these affairs will be safe. He is sound, sympathetic, and courageous. He is my friend. He is your friend. He is a friend to the people of Texas, and he devotes his entire time and energy to the welfare of our State. He believes that the holding of high political office in Texas presents to any man an opportunity to serve.

It is my great pleasure, privilege, and honor to present to you my Governor, your Governor, the Governor of the great State of Texas, the Honorable W. Lee O'Daniel.

Address by Governor

Governor W. Lee O'Daniel then addressed the joint session and the assemblage, as follows:

Mr. President, Mr. Speaker, Lieutenant Governor Stevenson, Members of the Judiciary and of the Texas Legislature, Ladies and Gentlemen:

Through the process which they have established for their self-government, the citizens of Texas have decreed that I shall serve them in a position of leadership for another term. I accept that mandate with gratitude for their confidence, with enthusiasm for the task ahead, and with the fervent hope that I shall be worthy of the trust reposed in me.

History records that—throughout all ages—in times of great stress and strain, men have abandoned their individual selfish purposes and people of all classes and of all walks of life have united in support of the common cause, for the preservation of their organized society, and the perpetuation of their civilization.

The world today is disturbed as never before. In my judgment, we face a situation which demands that every private citizen and every public official—that all men and women throughout this nation—devote their time, their energy, their every effort to the protection of those fundamental principles of democracy upon which depend the happiness and well-being of our people.

There is demand today, as never before, that we, as a people, proceed with a unity of purpose; that each and every one of us, in the field in which we are called to serve, give our best

thought and our devoted attention to the task assigned; that those who occupy places of public responsibility lay aside every selfish thought, avoid bickering, and criticism of each other, and seek to advance those principles and those activities which will make our commonwealth strong, and effective, and which will redound to the benefit of this and future generations.

When I say that we should work with unity of purpose and without personal criticism, I do not mean that the time has come when open discussion of public questions must cease. I believe that all of those who occupy positions of trust in a democratic government have the obligation of contending vigorously for those things which we believe will best serve the welfare of our state. There come times, however, in the experience of every government, when problems are so grave and peril so imminent that consideration of inconsequential details must be abandoned and attention directed to the basic phases of our condition. Let us, then, present our opinions on the important aspects of our public questions, and let us all be actuated in our discussion by the same motive, that motive being the advancement of the common good.

I believe in the majesty of the law. I believe in respecting the law because it is the law. I think that is one of the sound principles of the system of government which we enjoy. I have never thought that I had the authority to distinguish between laws which I liked and those which I disliked; nor do I believe that any citizen of Texas has a right to select the laws he will obey and the laws he will disobey. There can be but one end to the course of choosing the laws which we will respect, and that is the utter disregard of all law. I believe it is especially important under the conditions which exist today that we lose no opportunity to impress upon the people of this State the fact that our liberty, our personal rights, and our property rights, are all dependent upon a respect for law—and I mean a respect for the entire body of the law.

There may be enactments on the statute books of this State which should not be there. If so, they should be repealed—they should not be ignored.

If part of our people disobey the traffic laws, if others disobey the

game laws, others the usury laws, still others the laws which to them are distasteful, we shall come, finally, to be a citizenry of law-violators, each excusing himself because he thinks the particular law he violates is undesirable. Some of our statutes may be unimportant and obsolete, but let us change them, instead of disobeying them.

The sound, fundamental principle of obedience to the law should not be tampered with.

I, for one, am a great believer, also, in the basic concepts of democratic government as laid down in the Constitution of the United States and in the Constitution of the State of Texas. And today as I assume the responsibilities of the office of Governor for another two years, I should like to re-dedicate myself and to re-dedicate the office which I hold to the task of protecting and defending the Constitution of this State against any and all who may seek to ignore or pervert its sacred principles.

Let it be said of all of us that we stand for the whole Constitution of the State of Texas, not just part of it. Let it be said that we stand not only for the letter of the Constitution, but for the principles outlined in that great document. Let it be said of all of us that we will stand for and fight for those provisions of the Constitution which promise to place the protecting arm of the State around the unfortunate with the same vigor that we will stand for those sections of the Constitution which protect the property of the more fortunate. There is no place in a democracy, and there is no place in the Constitution of Texas to classify the patriotism or the statesmanship of our people on the basis of the "haves" and the "have-nots". Let us who are charged with the responsibility of leadership in this state, seek to secure unity of thought and unity of action. Let us recognize that Texas needs the devotion and the support of all its people whether they live in modest homes or in the most stately mansions.

I want to emphasize the fact that the Constitution very wisely divides the authority of government and delegates its powers to three departments—the executive, the legislative, and the judicial. I believe that no emergency warrants an attempt to destroy or to modify that essential

plan of government, which provides for the separation of the responsibility of government into these three major branches.

As Governor of this State, I have sought carefully at all times to avoid infringing, in any sense, upon the rights of the legislative branch of the government or upon the rights of the courts of this State, and it is my opinion that the future welfare of the commonwealth will be best served if the Governor respects the rights of the Legislature to act within its sphere and the Legislature respects the rights of the Chief Executive to act within his field of authority, and they both accept, with full respect, the decisions of the Judiciary. That is the system which is specifically provided in the Constitution of this State.

During recent years, there has grown up in Texas a tendency to delegate to bureaus and departments authority which formerly was exercised by either the executive, the legislative, or the judicial branch of the government, and I think the tendency is bad. Such organization of bureaus and departments, as a rule, violates the principles of democratic government. A bureau or department is created by law; it is then authorized to legislate by the issuance of its own regulations; then frequently it sits as the judge on its own legislation and sometimes serves as the prosecuting attorney. I maintain that it is a dangerous process of government which concentrates power to function as prosecutor, legislator, judge, and jury in the hands of one bureau or department of government, and it is my opinion that until this violation of the tenets of good government is discontinued or corrected, you cannot have a rule OF the people, BY the people, and FOR the people.

Little by little, through the years, these principles of true democracy have been violated or abandoned, until today, in my judgment, the whole system of government in Texas is in a critical condition.

More than a million voters went to the polls in Texas last November and voted for your Governor—voted for him, it is to be presumed, because they had faith in him, voted for him with the belief, I imagine, that the Governor of Texas had much authority to direct the executive branch of this State government. I am sorry to say that most of that executive

power has—in recent years—been stripped from the Governor's office, until today your Chief Executive has about as much power and authority in guiding this Ship of State as an honest and experienced captain who attempts to cross the ocean in a vessel which has neither rudder, nor engine, nor sail.

It is, naturally, embarrassing for a Governor to stand before his people and make this statement, but I must deal in facts. I have told the people of Texas about this situation before. I proclaimed it far and wide during the campaign, explaining that the election of Governor was of secondary importance to that of members of the Senate and of the House of Representatives. It is gratifying to me to know that the people listened to that statement and that they gave particular attention to the selection of members of the legislative body. The Legislature, I am glad to say, is still all-powerful, and it has full authority to transform this faulty system into a true democratic form of government, a form which our forefathers envisioned and established.

I have made recommendations to the Legislature, which, if enacted into law, will go far toward taking the control of this Texas government from the hands of self-seeking, influential cliques and restoring it to the great rank and file of our common citizens, to the six and a half million people who reside in this noble State.

I hope this Forty-seventh Legislature does this for you.

I am glad that I have had the opportunity of calling this condition of affairs to the attention of my people. That is one power which could not be denied the Chief Executive—the power of communicating with the citizenship and giving them the picture of the affairs of this State.

If I were motivated by the desire for personal gain, if I sought political power and private profit, I would not be insisting upon the things which I have called to the attention of the Legislature and which I emphasize here today. It would be to my material benefit to allow this system to remain undisturbed, to appoint members of boards and commissions for long terms, and seek favors from their hands when my term shall have expired. But last week, I recommended to the Legislature that they

amend the law so that, along with the power of appointment, the Governor will have also the right to discharge those who have been appointed to office. Of course, as far as I am personally concerned, I will have a majority of my appointees on all of these boards by the end of this term, so this authority to dispense with the services of certain officials will accrue to the next Governor of Texas who can dismiss all of my appointees if he sees fit.

Your Chief Executive should have this authority. You elect a Governor in whom you have confidence; you place upon his shoulders certain grave responsibilities. How can he perform these duties unless he has authority to surround himself with those who will assist him in carrying out the mandate given him by the people?

In a representative democracy, it is imperative that someone be entrusted with executive authority, so in my judgment it is best for the people to give that right to the Governor whom they can remove in two years if he abuses the privilege. This plan is to be preferred, I say, to our present system whereby power is given to a group of individuals whom the people do not elect and whom they cannot remove in two years, or four years, or six years, as is the case with members of these boards and commissions which are set up with six-year overlapping terms of office.

My friends, it is my considered opinion that—working together—we can give Texas a system of public administration which will place it in the front rank of governmental units of the world if the Legislature will correct the abuses that have been suggested and turn the government back to the people.

All of our trouble is man-made.

God has done more than His share.

He has bountifully blessed us. He has made abundant provision in this commonwealth for our support and for our delight. Here is a fruitful soil; here mighty rivers make their way to the sea, enriching our land and furnishing power to move our machines. Here the good earth yields its wealth of minerals and great treasure. Here are vast range lands where graze the herds which help to feed and to clothe a people. Here are trees from which houses and furniture and paper and ships are

made. Here are stones of amazing beauty which will adorn the buildings of tomorrow.

A coastline stretches for three hundred miles and more, providing harbor for ships in the commerce of the world. Against those shores break the waves of the sea from the waters of which men of science are extracting chemicals to enrich our lives and advance our well-being.

Here is fuel in quantities to challenge the comprehension of man, (Yet the climate of our State makes fuel for heat unnecessary during most of the year.)

Here are wide-open spaces—fields of cotton, and plains with flowing grain. Here are valleys with amazing yields of fruit, and vegetables in vast supply.

Tall mountains rise in majestic splendor, providing scenic beauty which cannot be surpassed.

Here the wheels of industry turn with ever-increasing speed.

Here miles of highways, rails, and airlines serve six and a half million people and give them access to markets near and far.

Woods and streams and mountain-trails; resorts by the sea and camps high in the hills, abound for the delight of mankind.

Here are all those things which man requires—food for his sustenance; shelter for his comfort; things to be shaped into other things by his handiwork and skill or to be molded and fashioned by mighty machines; resources of energy at his every command. Here are playgrounds for his pleasure; scenes of beauty for his inspiration; an empire for his conquest.

People who are abundantly blessed often become complacent in the enjoyment of Nature's beneficence. For many years in this land of ours, it was traditional for us to harvest our crops, tend our herds, take that which we needed of God's good gifts of timber, water, minerals, and fuel, and leave the rest—unused. We lived in a land of abundance; we lived comfortably and well; we were self-sufficient; we dwelt in peace and contentment; we thought not of the morrow.

But it could not be forever so. The processes of civilization changed. Distance was telescoped. Close contact was provided with other regions of our nation. International trade increased, presenting a maze of complications which mingled the destinies

of nations throughout the length and breadth of the world. We could no longer live as one apart. Competition grew strong. The organization of society became vastly more complex, and attention to the conservation and development of our own natural wealth infinitely more important.

In an orderly and scientific manner, with the world picture before us, now must we organize the resources which are ours, chart the direction of our course, prepare the plan for our destiny.

We must supplement our traditional industries of agriculture and mining with an industrial economy to utilize the products which Nature yields, to furnish more employment for our own people and for the increasing numbers who are coming to share our wonderland, and to create more wealth that will improve individual prosperity and provide those essential services of government and of civilization which our society requires.

We must provide adequately for the health and the education of our people; for their rest and recreation when labor is through.

An environment conducive to growth and strength in mind, body, and heart must be maintained for the youth of our land, and well-earned comfort in declining years assured to those whose work is done.

The unfortunate among us must be attended with kindness and compassion.

The grandeur of our physical state must be matched by the nobility of our character.

And we cannot go about our development in the mean and selfish way. We are today a part of a nation—a nation with glorious heritage, the promised land of the world. We must give that nation, in full measure, the physical support and moral encouragement which it requires in this day of tragic trial. All the facilities at our disposal, the resources at our command, the strength of our bodies, the skill of our minds, the prayers of our hearts, must be laid at the altar of America as we join our hundred and thirty million countrymen in dedicating our all to the firm resolve that this shall remain the home of the brave and the land of the free.

The President of the United States of America, the commander-in-chief of

the Army and the Navy, addressed the Congress on January the sixth, presenting to that body and to the people of this Nation a message of unparalleled solemnity.

From his exalted position, where he can view the world situation with a horizon unobstructed by false rumor or by unwarranted complacency, he dispatched to his people a warning of direst danger ahead. Performing his constitutional duty to give to the Congress information on the state of the union, he found it necessary to report "that the future and safety of our country and of our democracy are overwhelmingly involved in events far beyond our borders." He assailed the new order which has plunged four continents into a maelstrom of confusion, conquest and despair. He voiced the moral indignation with which Americans have seen nations once as free as ours, trampled into the dust of disaster, for no greater crime than that they stood in the path of the despot's desire.

"This nation," he said, "has placed its destiny in the hands and heads and hearts of the millions of free men and women; and its faith in freedom under the guidance of God. Freedom means the supremacy of human rights everywhere. Our support goes to those who struggle to gain those rights or keep them. Our strength is in our unity of purpose. To that high concept there can be no end save victory."

In the name of the people of Texas, and I know in accordance with the dictates of their desires, I have pledged to the President of the United States, our leader in this grave crisis, the unbounded support of this State and all that it has and all that it can give. I have told him, in your behalf, that we shall work hard, employing the talents which God has given us to the task at hand.

I have told him that our factories would place their facilities at the nation's demand; that labor in our State would not fail in the essential function which it must perform if our duty is to be done.

I have told the President that—with a sense of the deepest responsibility—we shall receive within the borders of our State, within the life of our communities, within the embrace of our hearts, the thousands upon thousands of young men whom the Army and the Navy will send here for their training; that we shall welcome

them, guard zealously their health and their physical well-being, place at their disposal without restriction the facilities which may be required for their development, their training, their contentment of mind; and that we shall do our part to see that they return to the circle of their loved ones as clean, and fine, and as good as they were before.

I have told the authorities of our Federal Government, upon whom the responsibility rests for the protection of this country, that we will strengthen every part of our state structure, improve to the utmost every phase of our social organization, rise to every situation which this extraordinary occasion demands.

This I have done, as the Chief Executive of this State, in the name of each and every one of my people. I made these promises for you, my fellow-citizens, with calm assurance and complete confidence born of the knowledge of our historic past, and of the belief that that same spirit of patriotic zeal abides in the hearts of those who tread this hallowed soil today.

This is indeed a day of dedication—a dedication of our energy and our every effort, a dedication of our will and of our zeal, a dedication of our hopes and of our prayers—to the cause of commonwealth and country.

Only God, in His infinite wisdom, knows what trials the next two years will bring to you, to me, to us all. But, come what may, I join you in the solemn pact that we, with our fellow-countrymen and with the friends of freedom wherever they may be, will give every ounce of strength and skill which we possess for the perpetuation of the democratic way of life.

It was that way which led our forefathers from oppression to freedom. It was that way which guided those brave men and women who found here a wilderness and made of it a garden.

It was that way—the American way—which characterized the lives and the works of those who gave us this proud and noble land of Texas. It was the courage and enterprise, the self-sacrifice and common concern, the unity of spirit and the solidarity of purpose, which stood out in such bold relief in their lives and in their living—it was that which gave us Texas, with all that it has meant in

a glorious past, with the vital significance of its thrilling present, with the inspiring prospect of its future hope.

And today of all days, now as never before since Goliad, the Alamo and San Jacinto's time, are we called upon to defend those sacred traditions and to emulate those high resolves which brought the achievements of years gone by.

Somewhat more than a century ago, a hundred and eighty-two men—our men—stood beside Travis in the crumbling dust of a mission's walls. It was, as Sidney Lanier has said, one of the most pathetic days of time. All hope was gone. The garrison was outnumbered forty to one. To the people of Texas and to "All Americans in the world," Colonel Travis had sent his heroic message:

"I shall never surrender or retreat I call upon you in the name of liberty, of patriotism, and every thing dear to the American character, to come to our aid with all dispatch If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due his own honor and that of his country. Victory or Death."

On the fateful date of the final assault, Travis and his men advanced to their positions behind the walls of the Alamo—advanced to the doom of that particular day, but to the immortality of all future time.

In that heroic moment of history, there was set for us a standard of valor, of comradeship, of unselfish devotion, that must be maintained as long as patriotism is deemed a virtue and love of native land a noble attribute of man.

To the challenge of the new day and of the new danger, I have no doubt that Texas and Texans—in the continuing spirit of the Alamo—will make answer just as bold, just as unselfish, just as heroic as that of William Barret Travis and his brave men, and that we, too, will give all of the strength, all of the power, all of the courage with which God has endowed us, to preserve the sacred heritage of the past, to protect our noble land, and to defend the rights of men everywhere to be free. May God bless us and guide us in our noble aspirations.

At the conclusion of the address by the Governor, Speaker Leonard announced the purpose of the joint session had been accomplished.

Adjournment

Whereupon, at 1:00 o'clock p. m., the Senate (pursuant to H. C. R. No. 14) stood adjourned until 10:00 o'clock a. m. tomorrow, January 22, 1941.

SIXTH DAY

(Wednesday, January 22, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	

Absent—Excused

Ramsey York

A quorum was announced present.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of fifth legislative day was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator York was granted leave of absence for today on account of important official business, on motion of Senator Brownlee.

Senator Ramsey was granted leave of absence for today on account of illness, on motion of Senator Shivers.